



CITY OF MERCED

Meeting Agenda

City Council Chamber
Merced Civic Center
2nd Floor
678 W. 18th Street
Merced, CA 95340

City Council/Public Finance and Economic Development Authority/Parking Authority

Tuesday, January 17, 2023

6:00 PM

City Council Chamber, 2nd Floor, Merced Civic
Center, 678 W. 18th Street, Merced, CA 95340

Closed Session at 5:00 PM / Regular Meeting at 6:00 PM

NOTICE TO PUBLIC/AVISO AL PÚBLICO/CEEB TOOM RAU PEJ XEEM

WELCOME TO THE MEETING OF THE MERCED CITY COUNCIL/BIENVENIDO A LA REUNIÓN DEL CONCILIO DE LA CIUDAD DE MERCED/ZOO SIAB TXAIS TOS KOJ TUAJ RAU HAUV CITY COUNCIL LUB ROOJ SAB LAJ

At least 72 hours prior to each regular City Council meeting, a complete agenda packet is available for review on the City's website at www.cityofmerced.org or at the City Clerk's Office, 678 W. 18th Street, Merced, CA 95340. All public records relating to an open session item that are distributed to a majority of the Council will be available for public inspection at the City Clerk's Office during regular business hours. Spanish and Hmong translation is available at every regular meeting.

Al menos 72 horas antes de cada reunión regular del Concejo Municipal, un paquete de agenda complete está disponible para su revisión en el sitio web de la Ciudad en www.cityofmerced.org o en la Oficina del Secretario de la Ciudad, 678 W. 18th Street, Merced, CA 95340. Todos los registros públicos relacionados con un artículo de sesión abierta que se distribuyen a la mayoría del Concejo estarán disponibles para inspección pública en la Oficina del Secretario de la Ciudad durante el horario comercial habitual. La traducción al español y al Hmong está disponible en todas la reuniones regulares.

Sai kawg yuav tsum yog li 72 teev ua ntej rau txhua lub rooj sib tham ntawm cov Nom Tswv (City Council), yeej muaj tag nrho pob ntawv qhia txog tias rau cov neeg los nyeem hauv lub Nroog (City) qhov website www.cityofmerced.org los sis nyob rau ntawm City Clerk's lub Office, 678 W. 18th Street, Merced, CA 95340. Tas nrho cov ntaub ntawv teev tseg no yuav muab rau cov Nom Tswv ntawm kev sab laj pub rau tsoom pej xeem sawv daws los nyeem nyob rau hauv City Clerk's lub Office thaum lub caj ua hauj lwm. Muaj txhais lus Mev thiab lus Hmoob.

**PUBLIC COMMENT: OBTAIN SPEAKER CARD FROM THE CITY CLERK/COMENTARIO
DEL PÚBLICO / KEV HLOOV RAU TEJ PEJ XEEM TXOG KEV TAWM SUAB, NCAUS
LUS:**

Members of the audience who wish to address the City Council are requested to complete a speaker card available at the podium in the back of the Council Chamber. Please submit the completed card to the City Clerk before the item is called, preferably before the meeting begins.

Material may be emailed to cityclerk@cityofmerced.org and should be limited to 300 words or less. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be mentioned to the City Council at the appropriate time. Any correspondence received after 1 PM will be distributed to the City Council and retained for the official record.

You may provide telephonic comments via voicemail by calling (209) 388-8688 by no later than 1 PM on the day of the meeting to be added to the public comment. Voicemails will be limited to a time limit of one (1) minute. Please specify which portion of the agenda you are commenting on, for example, Public Hearing item #, Consent item #, or Oral Communications. Your comments will be played during the City Council meeting at the appropriate time. For Public Hearing items, if you wish to speak live during the meeting, please leave callback information and you will be contacted with further details.

To view video (if available) or listen to the City Council meeting live, go to the City's website www.cityofmerced.org, Facebook Live, or Comcast Public Access Channel 96.

Los miembros de la audiencia que deseen dirigirse al Ayuntamiento deben completar una tarjeta de orador disponible en el podio en la parte de atrás de la Cámara del Concejo. Envíe la tarjeta completa al secretario de la ciudad antes de que se llame al artículo, preferiblemente antes de que comience la reunión.

El material puede enviarse por correo electrónico a cityclerk@cityofmerced.org y debe limitarse a 300 palabras o menos. Por favor, especifique qué parte de la agenda está comentando, por ejemplo, # Artículo de la Audiencia pública, # artículo de consentimiento, o Comunicaciones orales. Sus comentarios serán mencionados al Ayuntamiento en el momento apropiado. Cualquier correspondencia recibida después de la 1 PM se distribuirá al Ayuntamiento y se conservará para el registro oficial.

Puede proporcionar comentarios telefónicos a través del correo de voz llamando al (209) 388-8688 a más tardar a la 1 PM del día de la reunión para que se agreguen al comentario público. Los mensajes de voz estarán limitados a un límite de tiempo de un (1) minuto. Por favor especifique qué parte de la agenda está comentando, por ejemplo, número de artículo de la audiencia pública, número de artículo de consentimiento o comunicaciones orales. Sus comentarios se reproducirán durante la reunión del Ayuntamiento en el momento adecuado. Para los temas de audiencia pública, si desea hablar en vivo durante la reunión, deje la información de su llamada y lo contactaremos con más detalles.

Para ver el video (si está disponible) o escuchar la reunión del Concejo Municipal en vivo, visite el sitio web de la ciudad www.cityofmerced.org, Facebook Live o Comcast Public Access Canal 96.

Cov pej xeem los koom lub rooj sib tham uas xav tawm suab rau lub nroog cov Nom Tswv (City Council) muaj feem los sau ntawv hauv daim ntawv tawm suab nyob ntawm lub sam thiaj hais lus sab xis ntawm Council Chamber. Thov xa daim ntawv tawm suab no rau tus City Clerk ua ntej lub sij hawm rooj sab laj pib.

Tej ntaub ntawv thov muab xa rau cityclerk@cityofmerced.org thiab tsis pub muaj tshaj 300 los lus los yog txawg dua. Thov qhia tias qhov twg hauv daim ntawv tswj koj xav tawm suab rau, piv txwv li, kev sab laj kaws, nqes # los sis kev sib tham ntawm ncauj lus. Koj cov tswv yim muab rau lub rooj sib tham thaum lub sij hawm tsim nyog. Tej ntaub ntawm txais tau tom qab 1 teev tav su mam muab rau cov Nom Tswv (City Council) thiab tso hauv cov ntaub ntawv teev tseg.

Koj muaj feem tso suab hauv xov tooj uas yog hu (209) 388-8688 ua ntej 1 teev tav su hnuv sib tham thiaj koj lub tswv yim muab tso hauv daim ntawv tswj. Tso suab hauv xov tooj tsis pub ntev tshaj (1) feeb. Thov qhia qhov twg hauv daim tswj tias koj xav tawm suab rau, piv txwv li, zej tsoom tawm suab #, khoom tso cai #, los sis kev sib tham ntawm ncauj lus. Cov suab kaws hauv xov tooj mam tso mloog thaum lub caij tsim nyog rau thaum sib tham. Yog koj xav tawm suab thaum sib tham, thov tso koj tus xov tooj, ib tus tib neeg ua hauj lwm mam li hu koj.

Yog koj xav saib video (thaum muaj) los sis mloog cov Nom Tswv (City Council) kev sib tham, mus saib hauv City's website www.cityofmerced.org, Facebook Live, los sis Comcast Public Access Channel 96.

INDIVIDUALS WITH DISABILITIES

Accommodation for individuals with disabilities may be arranged by contacting the City Clerk at (209) 388-8650. Assisted hearing devices are available for meetings held in the Council Chamber.

The legislative body shall provide the public with an opportunity to address the body on any item described in Closed Session [Government Code Section 54954.3(a)].

A. CLOSED SESSION ROLL CALL

B. CLOSED SESSION

B.1. [23-053](#) SUBJECT: PUBLIC EMPLOYEE
DISCIPLINE/DISMISSAL/RELEASE/COMPLAINT; Authority:
Government Code Section 54957

B.2. [23-088](#) SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION Significant Exposure to Litigation Pursuant to Paragraph
(2) of Subdivision (d) of Government Code section 54956.9: (1)
Potential Case

- B.3.** [23-090](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant Exposure to Litigation Pursuant to Paragraph (4) of Subdivision (d) of Government Code Section 54956.9: Two (2) Potential Lawsuits**
- B.4.** [23-089](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9 Name of Case: City of Merced v. John Kudulis dba, Bob's Foreign Auto Parts, Merced Superior Court Case No. 21CV-00159**
- B.5.** [23-060](#) **SUBJECT: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Paragraph (1) of Subdivision (d) of Government Code section 54956.9, Name of Case: City of Merced, City of Los Banos, and City of Atwater, Petitioners, vs. Merced County Association of Governments, Respondents**

C. CALL TO ORDER

- C.1. Invocation - Joel Dorman, First Baptist Church
- C.2. Pledge of Allegiance to the Flag

D. ROLL CALL

D.1. In accordance with Government Code 54952.3, it is hereby announced that the City Council sits either simultaneously or serially as the Parking Authority and the Public Financing and Economic Development Authority. City Council members receive a monthly stipend of \$400.00 by Charter for sitting as the City Council; and the Mayor receives an additional \$100.00 each month as a part of the adopted budget and Resolution 2020-86. The members of the Parking Authority and the Public Financing and Economic Development Authority receive no compensation.

E. REPORT OUT OF CLOSED SESSION

F. CEREMONIAL MATTERS

- F.1.** [23-021](#) **SUBJECT: Proclamation - National Slavery and Human Trafficking Prevention Month**
- REPORT IN BRIEF**
Received by a representative of the Valley Crisis Center.
- F.2.** [23-101](#) **SUBJECT: Recognition of the Merced Cougars Peewee Team**

REPORT IN BRIEF

The City Council will recognize members of the Merced Cougars Peewee Team for their achievements.

F.3. [23-103](#)

SUBJECT: Recognition of the Merced Junior Knight Team

REPORT IN BRIEF

The City Council will recognize members of the Merced Junior Knights Team for their achievements.

G. WRITTEN PETITIONS AND COMMUNICATIONS

H. ORAL COMMUNICATIONS

Members of the public who wish to speak on any matter not listed on the agenda may speak during this portion of the meeting and will be allotted 5 minutes. The Mayor may, at his discretion, reduce the time to 3 minutes if there are more than 3 speakers, in order to accommodate as many speakers as possible. State law prohibits the City Council from acting at this meeting on any matter raised during the public comment period. Members of the public who wish to speak on a matter that is listed on the agenda will be called upon to speak during discussion of that item.

I. CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the City Council, provided that any Council member, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the item will be discussed and voted on separately.

I.1. [23-010](#)

SUBJECT: Reading by Title of All Ordinances and Resolutions

REPORT IN BRIEF

Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and a summary title may be read with further reading waived.

RECOMMENDATION

City Council - Adopt a motion waiving the reading of Ordinances and Resolutions, pursuant to Section 412 of the Merced City Charter.

I.2. [23-071](#)

SUBJECT: Approval of City Council/Public Financing and Economic Development/Parking Authority Meeting Minutes of September 6, 2022

REPORT IN BRIEF

Official adoption of previously held meeting minutes.

RECOMMENDATION

City Council/Public Financing and Economic Development/Parking Authority - Adopt a motion approving the meeting minutes of September 6, 2022.

I.3. [22-881](#)

SUBJECT: Consideration to Create an Honorary Historic Neighborhood District for the Spaghetti Acres Neighborhood

REPORT IN BRIEF

Consider creating an honorary historic neighborhood district for the Spaghetti Acres neighborhood in Central Merced.

RECOMMENDATION

City Council - Adopt a motion approving **Resolution 2023-03**, A Resolution of the City Council of the City of Merced, California, Approving the Spaghetti Acres Honorary Neighborhood Residential Historic District Designation.

I.4. [23-018](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Authorizing the Purchase of One Aerial Tree Truck Through a Cooperative Purchasing Agreement with Sourcewell via Global Rental Co, Inc., for \$198,904

REPORT IN BRIEF

Considers authorizing to waive the competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 to purchase a currently budgeted and Council approved fleet vehicle through the government procurement program Sourcewell.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code section 3.04.210 and authorizing the purchase to be made with a cooperative purchase agreement through Sourcewell, a government procurement program; and,

B. Approving the purchase of one aerial tree truck in the amount of \$198,904 from Global Rental Co., Inc., through Sourcewell contract # 062320-ALT; and,

C. Authorizing the City Manager or the Deputy City Manager to execute

any necessary documents for the purchases specified above, the Finance Officer to make the appropriate budget adjustments and City Buyer to issue the Purchase Orders, and approval of change orders not to exceed 10% of the total purchase price.

I.5. [23-006](#)

SUBJECT: Granting Abutter's Right to the Merced Holdings, LLC for the Hub Planned Development Project Located on McKee Road and Yosemite Avenue

REPORT IN BRIEF

Considers restoring abutter's rights of access that were relinquished and released by Grant Deed (Vol. 2611, Page 583, M.C.R.) to be restored to Merced Holdings, LLC., for purposes of completing the Hub Planned Development Project.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-07**, a Resolution of the City Council of the City of Merced, California approving grant of abutter's rights and authorizing the City Manager to execute all documents necessary to complete the transfer.

I.6. [23-023](#)

SUBJECT: Approval to Waive the Competitive Bidding Requirements and Approve Purchases of Waterline Appurtenances, Parts, Equipment, and Supplies Necessary for Public Works Maintenance and Operations from Ferguson Enterprises, LLC, in the Amount not to Exceed \$100,000 Through June 30, 2023

REPORT IN BRIEF

Considers waiving the City's competitive bidding requirements pursuant to Merced Municipal Code Section 3.04.210 and approving the purchase of various waterline appurtenances, parts, equipment, and supplies for Public Works maintenance and operations.

RECOMMENDATION

City Council - Adopt a motion:

A. Waiving the City's competitive bidding requirement as permitted by Merced Municipal Code Section 3.04.210 for annual supplies and services agreements; and,

B. Approving the agreement for Purchase of Goods with Ferguson Enterprises, LLC, in the amount not to exceed \$100,000 in Fiscal Year 2022/2023; and,

C. Authorizing the City Manager or the Deputy City Manager, to execute

the necessary documents or contracts, and to approve change orders up to the City Manager's purchasing authority.

I.7. [23-058](#)

SUBJECT: Approval and Execution of a Memorandum of Understanding (MOU) Between the City of Merced and the City of Atwater for Regional Assistance to Firefighters Grant (AFG), Authorization for the Fire Department to Submit a Regional Grant Application to the Federal Emergency Management (FEMA) Fiscal Year 2022 AFG Program to Fund Replacement of End-of-Life Self-Contained Breathing Apparatus (SCBA), and Authorization for the Fire Department to Submit a Second Grant Application to FEMA Fiscal Year 2022 AFG for Advanced Life Support Equipment for the Merced Fire Department

REPORT IN BRIEF

Considers approving and executing a Memorandum of Understanding (MOU) between the City of Merced and the City of Atwater for Assistance to Firefighters Grant (AFG) Regional Grant. Provides authority to the Fire Department to submit a regional grant application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2022 AFG Program to fund replacement of an end-of-life Self-Contained Breathing Apparatus. Project cost will not exceed \$2,000,000 per FEMA based upon the populations of Merced and Atwater combined. FEMA would be providing 90% of the project cost and the Regional Grant participants providing the 10% local match.

In addition, the Fire Department is requesting authority to submit a second grant application to the FEMA Fiscal Year 2022 AFG Program to fund the purchase of Advanced Life Support (ALS) electrocardiogram (ECG) monitors. Project cost not to exceed \$1,000,000 where FEMA would be providing 90% of the project cost and the City of Merced providing the 10% local match.

RECOMMENDATION

City Council - Adopt a motion:

A. Authorizing City Manager or Deputy City Manager to execute the MOU between City of Merced and City of Atwater for submission of Regional AFG Grant Project; and,

B. Authorizing the submittal of a regional grant application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Assistance to Firefighters Grant (AFG) Program with an estimated total project cost not to exceed \$2,000,000 per FEMA based upon the

populations of the City of Merced and Atwater combined. FEMA would be providing 90% of the project cost and the Regional Grant participants providing the 10% local match; and,

C. Authorizing the submittal of a second grant application to the Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Assistance to Firefighters Grant (AFG) Program for ECG monitors with an estimated total project cost not to exceed \$1,000,000. FEMA would be providing 90% of the project cost and the Regional Grant participants providing the 10% local match.

J. PUBLIC HEARINGS

Members of the public who wish to speak on public hearings listed on the agenda will be heard when the Public Hearing is opened, except on Public Hearing items previously heard and closed to public comment. After the public has commented, the item is closed to further public comment and brought to the Council for discussion and action. Further comment will not be received unless requested by the Council.

J.1. [22-810](#)

SUBJECT: Public Hearing to Consider the Annexation of Certain Property into Community Facilities District (CFD) No. 2003-2 (Services), Calling and Holding a Special Election for Annexation No. 22 into CFD No. 2003-2 (Services; Canvassing the Results of the Election Held within Annexation No. 22 of Said District, and Annexing Annexation No. 22 to Said District and Authorizing the Levy of a Special Tax Within Said Annexation No. 22. Annexation No. 22 Consists of Approximately 39.35 Acres of Land Generally Located on the East Side of G Street, Approximately 1,100 feet North of Cardella Road

REPORT IN BRIEF

Hold a public hearing and election for annexation into Community Facilities District No. 2003-2 (Services) for the approximately 39.35 acres of land generally located on the east side of G Street, approximately 1,100 feet north of Cardella Road.

RECOMMENDATION

City Council - Adopt a motion:

A. Holding a Public Hearing on the annexation of certain property into the CFD and the levy of special taxes; and,

B. Adopting **Resolution 2023-04**, a Resolution of the City Council of the City of Merced, acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced

determining the validity of prior proceedings, calling a special election related to Annexation No. 22; and,

C. Holding an election; and,

D. Adopting **Resolution 2023-05**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced canvassing the results of the election held within Annexation No. 22 of said District; and,

E. Adopting **Resolution 2023-06**, a Resolution of the City Council of the City of Merced acting as the Legislative Body of the Community Facilities District No. 2003-2 (Services) of the City of Merced, annexing Annexation No. 22 to said district and authorizing the levy of a special tax within said Annexation No. 22.

J.2. [22-972](#)

SUBJECT: Public Hearing to Consider Potential Introduction of an Ordinance to Approve Zone Change #431, Initiated By Sam Sahota, Property Owner; this Application is a Request for a Zone Change from an Urban Transition (U-T) Zone to a Low Density Residential (R-1-5) Zone at 385 S. Coffee Street to Develop a Future Subdivision with 45 Single-Family Home Lots at 385 S. Coffee Street; and, the Approximate 9.91-Acre Subject Site is Generally Located at the West Side of S. Coffee Street, 300 Feet North of E. Gerard Avenue

REPORT IN BRIEF

Request for City Council approval for a Zone Change from Urban Transition (U-T) to Low Density Residential (R-1-5) for one approximate 9.91-acre parcel located at 385 S. Coffee Street.

RECOMMENDATION

City Council - Adopt a motion:

A. Approving Environmental Review #22-32 (Negative Declaration); and,

B. Introducing **Ordinance 2546**, An Ordinance of the City Council of the City of Merced, California, amending the official Zoning Map by rezoning approximately 9.91 acres of land at 385 South Coffee Street, generally located on the west side of South Coffee Street, 300 feet North of East Gerard Avenue, from Urban Transition (U-T) to Low-Density Residential (R-1-5); and,

C. Approving the First Amended and Restated Legislative Action

Agreement and authorizing the City Manager or Deputy City Manager to execute the necessary documents.

K. REPORTS

K.1. [23-022](#) **SUBJECT:** Wastewater Collection System Master Plan (WCSMP)

REPORT IN BRIEF

Seeks Council direction on finalizing the draft Wastewater Collection Master Plan.

RECOMMENDATION

City Council - Provide direction to staff on finalization of the draft Wastewater Collection Master Plan, provide direction to begin the CEQA environmental process.

L. BUSINESS

L.1. [23-095](#) **SUBJECT:** Adoption of Resolution 2023-08 Confirming the Existence of a Local Emergency Within the Territorial Limits of the City of Merced as Proclaimed by the Director of Emergency Services on January 7, 2023 and Again on January 14, 2023 Pursuant to Merced Municipal Code Section 8.20.070

REPORT IN BRIEF

Asking the City Council to Declare a State of Emergency Due to Severe Storms and Potential Flooding.

RECOMMENDATION

City Council - Adopt a motion adopting **Resolution 2023-08**, a Resolution of the City Council of the City of Merced, California, confirming the existence of a local emergency

L.2. [23-061](#) **SUBJECT:** Accepting Flag Requests to be Added to the 2023 Flag Calendar for Approval

REPORT IN BRIEF

Considers accepting flag requests to be added to the flag calendar for the 2023 year for approval.

RECOMMENDATION

City Council - Adopt a motion:

- A. Approving the Flag Calendar for the 2023 year in accordance with Council Policy C-7 regarding the display of commemorative flags; and,
- B. Bringing a Resolution back for adoption; and,
- C. Providing Staff direction on selected request for future approval.

L.3. [23-049](#) **SUBJECT: Council Member Ornelas' Request to Discuss Establishing an Emergency Services Motel Policy**

REPORT IN BRIEF

Council Member Ornelas' request to discuss establishing an emergency services motel policy pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff on next steps.

L.4. [23-054](#) **SUBJECT: Council Member Smith's Request to Discuss Joint School District Meeting**

REPORT IN BRIEF

Council Member Smith's request to discuss holding a joint School District meeting pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide direction to staff on next steps.

L.5. [23-062](#) **SUBJECT: Mayor Serratto's Request to Discuss Directing the Arts and Culture Advisory Commission to Develop Various Arts Districts**

REPORT IN BRIEF

Mayor Serratto will discuss potentially directing the Arts and Culture Advisory Commission to develop various Arts Districts in the City pursuant to City Council Administrative Policies and Procedures C-1.

RECOMMENDATION

Provide staff direction for possible next steps.

L.6. [23-046](#) **SUBJECT: Request to Add Item to Future Agenda**

REPORT IN BRIEF

Provides members of the City Council to request that an item be placed

on a future City Council agenda for initial consideration by the City Council.

L.7. [23-045](#)

SUBJECT: City Council Comments

REPORT IN BRIEF

Provides an opportunity for the Mayor and/or Council Member(s) to make a brief announcement on any activity(ies) she/he has attended on behalf of the City and to make a brief announcement on future community events and/or activities. The Brown Act does not allow discussion or action by the legislative body under this section.

M. ADJOURNMENT